

FISCAL NOTE

HB 466 - SB 1140

March 20, 2001

SUMMARY OF BILL: Requires that all mandatory instructions and payment methodologies for service providers issued by the Department of Mental Health and Developmental Disabilities shall be promulgated under the Uniform Administrative Procedures Act and be consistent among classes of providers.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - Not Significant

Other Fiscal Impact - May subject the state to increased fines to the extent the state cannot comply with court orders in a timely manner as the result of the bill's requirements. To the extent this occurs, the amount of such increase in state expenditures is estimated to exceed \$100,000.

Estimate assumes:

- the cost of promulgating rules and regulations is estimated to be not significant.
- requiring all mandatory instructions to be promulgated as rules may cause delays in implementing court orders. Even if rules are promulgated as public necessity, such rules will require several days to implement and are valid only for 165 days. For information purposes under the remedial order in *United States versus State of Tennessee, et. al. (Arlington Developmental Center)*, the amount of the fine for noncompliance was \$1,000 per day of violation.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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